

Coalition Forms To Oppose New Nicotine Crackdown

Opponents Say Let Adults Make Their Own Choices

Sam Doran

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Chelsea City Councilor Todd Taylor, a nicotine ban opponent and former smoker, speaks at the Citizens for Adult Choice launch event at Carrie Nation Cocktail Club on Jan. 22, 2025.

STATE HOUSE, BOSTON, JAN. 22, 2025.....A coalition has formed and plans to fight the new legislative push to ban nicotine sales in Massachusetts to anyone born after 2005.

Sen. Jason Lewis (D-Winchester) and Rep. Tommy Vitolo (D-Brookline) filed the bill last week. It would define a "tobacco product" as products derived from either tobacco or nicotine, and would apply to substances that are smoked, chewed, absorbed, or inhaled -- a range of products that would include cigarettes and vapes.

Similar "generational" bans have been approved in municipalities around Massachusetts -- most recently Tuesday night in Newton, where the city council approved a ban for anyone born on or after March 1, 2004.

Faced with an effort to sideline certain buyers statewide, Citizens for Adult Choice rolled out plans to line up outreach to local representatives and senators and eventual committee testimony at the State House.

Steve Snider of Newton said at Wednesday's press event that he does not use tobacco products, but was incensed by his home city's new policy, which he called "a terrible affront to the principles of personal liberty and responsibility."

"Are we to allow our autonomy to be selectively curtailed for some official's hypocritical notion of what's good for us? Should our foundational principle of 'my body, my choice' be selectively applied only to certain bodies or certain choices?" said Snider, drawing applause in the front room at Carrie Nation Cocktail Club. "There is no contradiction between being opposed to smoking, as I am personally, yet embracing the fundamental principle that in our society, we accept that adults are entitled to make personal decisions about the risks they wish to assume."

The Lewis-Vitolo statewide ban (SD 1317 / HD 2372) would apply to people born on or after Jan. 1, 2006.

The bill notes that the banned category of "tobacco products" would not apply to "a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product," provided that it is "marketed and sold or prescribed exclusively for the approved purpose."

The FDA last week authorized the marketing of Zyn nicotine pouches after "an extensive scientific review," noting lower cancer risks than other tobacco products along with Zyn's potential to wean users off other, more harmful, products. But the federal agency stopped short of full-throated approval.

"While today's actions permit these specific tobacco products to be legally marketed in the U.S. to adults 21 and older, it does not mean these tobacco products are safe, nor are they 'FDA approved.' There is no safe tobacco product; youth should not use tobacco products and adults who do not use tobacco products should not start," the Food and Drug Administration said in a Jan. 16 news release.

Independent retailer Alex Weatherall, a recent past president of the trade association for convenience stores and gas stations, said it has been "unnerving" that he encounters "well-informed, intelligent" people who have been unaware of the ban effort underway around the state.

While some might see a snowball of enthusiasm for policy change, Weatherall said the idea has not caught enough traction to be ready for the spotlight on Beacon Hill. Newton was the 13th municipality to enact such a ban, WBUR reported Wednesday.

"It's going to rebound probably in our favor. Because they'll raise the level of debate. And that'll allow people ... to get acquainted with some silliness that they otherwise wouldn't be acquainted with," he said.

Stephen Helfer of Cambridge Citizens for Smokers' Rights likened the proposal to the federal government's prohibition on alcohol and war on drugs, both of which had "unintended consequences."

"The people who are promoting this, I think, are mostly academics, politicians, public health. I think they have very little respect for the store owners who depend on small purchases. I think they don't have a lot of respect for free enterprise," Helfer told the News Service.

As Vitolo and other lawmakers announced plans to file the bill last November, the Brookline Democrat said the addictive nature of nicotine meant it would be "unfair" to rip the products away from longtime adult users.

"This legislation treats everyone fairly," Vitolo said last fall. "Those who are not old enough now to obtain nicotine products will never be old enough to buy them in Massachusetts. Those who are old enough today will always be old enough."

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Reporter